

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawai'i

Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

FILE NO.: CDUA MA-3392
REF: OCCL: MC
Acceptance Date: December 13, 2006
180 Exp. Date: July 11, 2007

May 25, 2007

REGARDING: Proposal to Hold Commercial and Non Profit Events such as Weddings, Fundraiser, and Gatherings at the former Pioneer Mill Plantation Manager's House and Garden

APPLICANT: Olowalu `Elua Associates
33 Lono Avenue, Suite 450
Kahului, HI 96732

AGENT: Mark Alexander Roy, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

LANDOWNER: Same as applicant

LOCATION: Olowalu Ahupua`a, Lahaina District, Maui County

TMK: (2) 4-8-03:5

AREA OF PARCEL: 10.5 acres

AREA OF USE: approximately 4.7 acres

SUBZONE: Limited

DESCRIPTION OF AREA:

The proposed project is located on the former Pioneer Plantation Mill grounds along Honoapi'ilani Highway in the Olowalu Ahupua`a, Lahaina District, Maui County, TMK (2) 4-8-03:5. The makai portions of this 10.5-acre irregularly shaped coastal property are in the Limited Subzone of the State Land Use Conservation District (see **Exhibit 1: Conservation District Subzones**).

Olowalu was an important agricultural area prior to the islands' unification under Kamehameha I. During the Māhele there were 46 individual Land Commission awards granted, the majority of them in the upper

reaches of the ahupua`a. Olowalu Stream was channeled sometime after this, presumably to control flooding of the agricultural fields. The land was developed for sugar cane production at this time by the Olowalu Sugar Company, which was incorporated in 1881. In 1931 the Company was sold to Pioneer Mill Company, Ltd.

Existing infrastructure includes the former plantation manager's house, built around 1920, a garage, a parking lot, and the former washhouse (see **Exhibit 2: Project Site Plan**). Pursuant to Hawai'i Administrative Rules (HAR) §13-5-2, OCCL has determined that the existing infrastructure qualifies as a non-conforming use. A grassy lawn separates the structures from the shore. The parcel also contains the ruins of the old sugar mill, built in the 1870's, and Olowalu wharf. Neither of these are in the proposed project area.

The parcel is 14.5 miles from Wailuku and 5.5 miles from Lahaina (see **Exhibit 3: Project Location Map**). The neighboring parcels contain a mix of uses, and include a general store and restaurant, a coconut plantation, and a small number of single-family residences. Many of the neighboring lots are currently vacant, although the parcel owners have plans to develop them into residential neighborhoods.

The site is accessed via a driveway off of Honoapi`ilani Highway. The driveway connects to the highway at a four-way intersection with the driveway for Olowalu General Store. The driveway also leads to the public shoreline access road. There is a turning lane on both sides of the intersection.

A botanical survey of the area showed that it is dominated by alien species. The survey found three endemic species: nehe (*Lipochaeta lavarum*), wiliwili (*Erythrina sandwicensis*), and pua kala (*Argemone glauca*). None of these are listed as threatened or as species of concern. Fauna is likewise dominated by invasive and alien species, although the Hawaiian hoary bat (*Lasiurus cinereus semotus*) has been sighted in the area and outside of the subject parcel.

The shoreline area is an undeveloped Government Beach Reserve and a public 20-foot wide lateral shoreline access traverses the subject parcel. The shoreline is composed of rounded basalt and coral rubble (see **Exhibit 4: Shoreline Photos**). A seawall runs along a portion of the property. The County of Maui has set a 150-foot shoreline setback for the parcel.¹

The project area itself has been landscaped previously, and is composed of a broad lawn with a few large shade trees.

Recreational ocean users occasionally traverse the parcel along the shoreline. Kayak users enter the ocean east of the wharf; however, this is outside of the project area and hidden from it by heavy brush.

There are no known traditional Hawaiian cultural practices currently being practiced on the parcel.

There are no other known archaeological or historical features beyond those discussed above.

PROPOSED PROJECT:

The applicant proposes to use the former plantation manager's residence and garden for commercial and non-profit events such as but not limited to weddings, fund-raisers, and gatherings. The applicant does not propose any permanent infrastructure changes, although some events will require that a temporary tent be erected.

¹ The BLNR has jurisdictional authority over setbacks in the Conservation District, not the County of Maui.

The main location for events will be the Lawn Area to the east of the Manager's House. The main tent area will be here also. The tents will not measure more than 1400 square feet. An alternate location to the east of this would be used for larger events, and would allow for a tent no greater than 4800 square feet in size. **Exhibit 5** shows the proposed tent site locations, while **Exhibit 6** contains photos of these sites.

Parking will be in the existing dirt lot behind the Manager's House, as well as on the lawn adjacent to this.

The public will use the existing washhouse building as a restroom. There are no County approved wastewater facilities on the Olowalu area, and developments in the area use either cesspools or septic tanks. The Manager's House and Washhouse are served by a single cesspool facility.

No structures will be placed within 150 feet of the shoreline. The applicant states in the CDUA that public access rights along the shoreline easement will not be restricted during events.

All event infrastructure is temporary, and will be erected the day of the event and taken down after.

The applicant states that the Plantation had been hosting approximately 80-100 events per year, or an average of 6 to 8 each month.² According to the CDUA, future use is expected to average 10 per month, and increase to 120 per year. Approximately 90% of the events are weddings and receptions. The remainder are fundraisers, meetings, and other events hosted by community non-profit groups.

The average size of events is 66 guests. Events in excess of 200 people are possible, although the applicant intends to discourage this through a progressive pricing system. The application does not state how many events per year are anticipated to be larger than this, nor does the application set a cap on a maximum size for events.

The Manager's House will be used to plan and coordinate these event and other commercial operations of the landowner. The property caretakers maintain their offices in the house.

The applicant commissioned a traffic impact study by SSFM International which showed that peak travel times occurred between 6:30 to 7:30 am and 3:30 to 4:30 pm. Vehicles entering from the east currently experience short delays during peak times, while those exiting to the west can experience long delays. The existing turning lane mitigates impacts to traffic flow along the highway, and the study does not anticipate any substantial impact to flow from the project. Persons attending events will be subject to the same delays that currently exist. Most events will end after peak hours are over, so there should not be a significant delay when guests exit the event (see **Exhibit 7: Traffic Forecasts**).

The applicant has submitted their House Rules (see **Exhibit 8**) and the Contract Addendum for Large Groups (see **Exhibit 9**). These contain a number of measures designed to mitigate potential impacts of the events. These measures include:

- **Parking:** Driving on the lawn is prohibited. Events in excess of 75 guests will require parking attendants. Events in excess of 200 people will require shuttle busses.
- **Tent Site:** Tents cannot be set up in the 150' shoreline setback area.

² In December, 2005 the Maui County Planning Department notified the applicant that these uses need to be discontinued until the proper permits from the Department of Land and Natural Resources (DLNR) had been secured. The applicant agreed not to schedule any events after May 2006.

- **Refuse:** All garbage must be disposed of in the dumpster near the parking area. Events of over 100 people require an additional dumpster. If the dumpsters become full then the caterer is required to dispose of excess refuse off property.
- **Restrooms:** The washhouse is designed to accommodate 100 people. One portable toilet is required for every 25 guests over 100.
- **Manager's House:** The use of the bedrooms and baths are limited to the wedding party. The foyer and the great room can be used as public spaces. The kitchen and bathroom off of the kitchen are for the use of caterers.
- **Clean-Up:** All infrastructure, including tents, chair, tiki, sound equipment, trash, etc., must be removed by 8 am of the day following the event.

AGENCY COMMENTS:

The CDUA and Draft Environmental Assessment were referred for review and comment to the DLNR – Division of Forestry and Wildlife, Historic Preservation Division, Land Division, Division of Conservation and Resource Enforcement, and Na Ala Hele; Maui County – Department of Planning, Cultural Resources Commission; Office of Hawaiian Affairs; and the Department of Hawaiian Homelands.

A copy of the CDUA and DEA were available for review at the Lahaina Public Library .

A notice of the application was placed in the Office of Environmental Quality Control's *Environmental Notice* on December 23, 2006. OCCL issued a FONSI and noticed this in the March 23, 2007 edition.

OCCL held a public hearing in Lahaina on February 20, 2007. The notice of hearing was published in the Honolulu Star-Bulletin and Maui News. Approximately thirty community members attended the meeting. All who spoke were supportive of the proposal.

The following comments were received:

DLNR Maui District Land Office

No comments

DLNR Division of Forestry and Wildlife (DOFAW)

DOFAW notes that endangered species frequent the area, including the dark-rumped petrel (*Pterodroma phaeopygia sandwicensis*) and nene (*Branta sanwicensis*). DOFAW is concerned that increased use of this area will lead to conflict, and asks that the staff of Olowalu Plantation and their guests avoid these species. DOFAW also reminds the applicant that the Division must be notified if situations regarding endangered species arise.

Applicant's Response

The house rules are designed to mitigate the impacts of events on the environment. They will be updated to ensure that event coordinators and guests are educated about the presence of endangered species in the area and the laws regarding take.

Office of Hawaiian Affairs(OHA)

OHA appreciates that the applicant has created a temporary parking area near Olowalu Landing and requests that plans for more permanent access be presented.

OHA urges the applicant to formalize shoreline access and assure that planned special events do not preclude access to the shore.

OHA notes that the EA contains an archaeological survey of the Olowalu Makai Development Parcel, and that several historic properties, including native Hawaiian burial grounds and habitation sites, are located at or near the project area. OHA asks that a preservation plan for these sites be in place prior to any permit approvals.

OHA also requests that, should iwi or Native Hawaiian cultural or traditional deposits be found work will cease and appropriate agencies contacted pursuant to applicable law.

Applicant's Response

The twenty-foot lateral shoreline access easement was established as a condition of the Special Management Area Permit for Olowalu Subdivision on September 12, 2000. All events will be held mauka of this area, and should not interfere with access.

Permanent public access between Olowalu Landing and Honoapi'ilani Highway is provided via a recorded public easement. The applicant will continue to monitor and maintain conditions to ensure the continuation of public access.

An Archaeological Mitigation and Preservation Plan for the makai lands of the subdivision was approved by the State Historic Preservation Division on June 4, 2001.

Office of Environmental Quality Control (OEQC)

OEQC asks that the applicant consult with the US Fish and Wildlife Service about night lighting conditions to prevent impacts to Newell's Shearwater (*Puffinus auricularis newelli*).

OEQC also reminds the applicant that they need to consult with the Department of Health (DOH) Wastewater Branch for the requirements for large capacity usage.

Applicant's Response

To mitigate the impact on the shearwaters the applicant will mandate that all lighting for special events be pointed away from the ocean. The House Rules are also designed to mitigate potential impacts on the environment, and will be updated to reflect these lighting requirements.

The applicant will consult with the Department of Health to evaluate applicable cesspool requirement.

County of Maui Department of Planning

A Special Management Area (SMA) Minor Permit will be needed.

The Olowalu Sugar Mill Complex is deemed significant under Criterion A and D of the Federal and State historic preservation guidelines. The applicant should explain how the proposed activities are consistent with or compliment the historic properties.

The Department is concerned that an event held on January 26, 2007 might be a violation of Conservation District Rules, and requested an investigation by OCCL.

Applicant's Response

The Department of Planning issued an SMA with nine conditions on April 23, 2007.

The events will be located approximately 250 feet from the Olowalu Sugar Mill Complex. No impacts to the mill site are anticipated.

DLNR investigated the potential violation. Applicant included copies of the correspondence in the FEA.³

Public Comments

OCCL also received the following written comments from non-profit agencies and members of the public:

- **The Friends of the Children's Justice Center of Maui** has used the property three times for fundraising, and supports the application.
- **Charles Jencks** notes the difficulty of finding facilities in West Maui to hold community events, and supports the application.
- **George "Keoki" Freeland** was manager and vice president of Pioneer Mill Sugar Company, and notes that the present owners have done a good job of preserving the site, and supports the application.
- **Imua Family Services** receives a yearly in-kind donation from Olowalu to bring a busload of disabled children to the grounds for an afternoon of outdoor experiences. Imua supports the application.
- **The Pacific Cancer Foundation** is the beneficiary of the Olowalu Christmas House, and supports the application.
- **Robert Horcajo**, a real estate broker and former project manager for Olowalu Elua, states that visitors to the grounds come away overjoyed by the experience, as it offers them the look and feel of bygone Plantation Era Days. Mr. Horcajo supports the application.
- **The Maui Economic Development Board** hosted a dinner for high-ranking statesmen and officials at Olowalu, and supports the application.

ANALYSIS:

Following review and acceptance for processing, the applicant was notified, by letter dated December 19, 2006 that:

1. The proposed use was an identified use within the Conservation District according to HAR §13-5-22 *Identified land uses in the protective subzone, P-9 STRUCTURES, EXISTING, (C-1) Demolition, removal, or alteration of existing structures, facilities, and equipment. Any historic property shall be evaluated by the department for historical significance.*

³ The applicant stated that the event was a single wedding held pro-bono for an acquaintance of the landowner. The applicant argued that a single, non-commercial, transitory event should not be considered a violation. OCCL questioned whether a non-commercial event sponsored by a commercial entity could truly be considered "non-commercial," and requested that the landowner hold no such gatherings until all necessary permits are secured. OCCL did not open a violation case or pursue the incident further.

OCCL noted that the office originally had identified the project as a Botanical Garden and Private Park. After reviewing the application, OCCL felt that the proposed use was better represented as a change in use of an existing structure pursuant to §13-5-22 (P-9).

This use required a departmental permit from the DLNR. However, pursuant to HAR §13-5-33 (j) *A board permit shall be required when the chairperson determines that the scope of the proposed use, the necessity of an environmental impact statement, or the public interest requires a board permit.* The chairperson determined that, due to the scope of the work and its potential impacts, a board permit should be required. The final decision as to whether to grant or deny the permit lies with the Board of Land and Natural Resources (BLNR).

2. A public hearing pursuant to HAR §13-5-40 was required.
3. Pursuant to HAR §13-5-31 *Permit applications*, the permit required that an environmental assessment be carried out. A Finding of No Significant Impact (FONSI) to the environment was anticipated for the proposed project.

The draft environmental assessment (DEA) for the project was published in the OEQC's *Environmental Notice* on December 23, 2006. A Finding of No Significant Impact (FONSI) was published in the OEQC's *Environmental Notice* on March 23, 2007. The 30-day challenge period for the FONSI ended April 23, 2007 without a challenge.

§13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30 HAR.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

Staff is of the opinion that the proposed action will not have a significant impact on the natural resources of the state. There will be increased use of the grounds; however, the landowner's management of the area appears to be conducive to the long-term sustainability and preservation of the site.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited Subzone is *to limit uses where natural conditions suggest constraints on human activities.*

Staff notes that the existing infrastructure are considered non-conforming uses, and that no additional building will occur in the Conservation District. The parcel has a history of commercial use dating from the plantation era. The events themselves are temporary gatherings, and staff does not feel that natural conditions at the site pose a threat to such gatherings.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The project complies with the policies and objectives of the Coastal Zone Management Program.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff notes that the proposed project area has been extensively altered by development in the past. The existing resources are typical of a plantation-era house, and the proposed use is consistent with the built environment.

The use will not formally impede access along the shoreline easement, although some recreational users might be uncomfortable walking across a path that serves as a backdrop to a wedding.

There will be traffic impacts during large events, particularly when guests are arriving. The applicant intends to partially mitigate these impacts by requiring shuttle vans for parties of a certain size. OCCL notes that traffic congestion is an increasing problem, and that infrastructure improvements have not kept pace with Maui's rapid development. OCCL also notes that there are plans to further radically increase the developed area in West Maui. With this, OCCL feels that the traffic impacts of this single project are one small part of a larger problem that needs to be addressed at the County level.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The applicant is not proposing any infrastructure development or improvements.

The recent history of the region was as a plantation. Future land use is in the ahupua'a likely to be as a center for condos, timeshares, and vacation homes. The former Pioneer Mill Plantation might be the last physical reminder of a vanishing past. The proposed use will allow the existing infrastructure to remain.

With that, OCCL recognizes that conflicts between uses might increase in the future as Olowalu develops.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes the applicant has taken the appropriate steps to mitigate any potential impacts. As there will be no infrastructure development, and all public access rights will be preserved, staff does not foresee significant impacts to natural beauty or open space.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed action will not be materially detrimental to the public health, safety and welfare. Staff concurs with the applicant.

DISCUSSION:

The existing infrastructure on the site – the Manager’s House, washhouse, and garage - qualifies as non-conforming use. The applicant proposes to use the Manager’s House and surrounding landscaped grounds for private events. Ninety percent of these events are anticipated to be weddings and/or receptions. The remainder are events including but not limited to fundraisers, community group meetings, private dinners, and fundraisers for non-profits.

The proposal to allow commercial and non-profit events on the site does not involve any change to the built environment. The applicant proposes to hold an average of ten events per month, which could have a measurable impact on the natural and social environment. Although the Manager’s House has been used as a residence and as an office for the caretakers of the parcel, it is the change in use to a commercial and recreational operation that triggers the need for a Conservation District Use Application.

Staff believes that these uses represent a material change from the historic and customary use of the parcel, thus requiring BLNR approval. OCCL has thus determined, pursuant to HAR §13-5-22 P-9, that the proposal is best identified as a change in use of an existing structure or facility.

This use generally requires a permit from the Chair of the Department of Land and Natural Resources. However, due to the scope of the proposed use, the potential to set precedent, and the level of public interest in the project, the Chair determined, pursuant to HAR §13-5-33 (j) that a board permit should be required for the project.

The applicant estimates that there will be on average ten events per month, with an average size of 66 guests. Events larger than 200 guests will be discouraged via a steep pricing system. OCCL notes that the applicant’s Special Management permit caps the maximum event size at 300 guests. OCCL also notes that, while the applicant estimates an average of ten events a month, they do not offer a cap on the maximum number of events per month or per year. As a condition of this permit OCCL recommends that the Board approve 120 events from the date of approval, with the understanding that the applicant can consult with OCCL should they desire to hold a greater number.

The applicant also states that events with over 200 people are rare, but they do not specify how rare. As a condition of the permit OCCL will recommend that the applicant consult with the office prior to hosting any event with more than 200 guests. OCCL will also recommend that the applicant submit an annual report detailing the number, distribution, size, and type of events during the year.

The House Rules require that one portable toilet is required for every 25 guests over 100. OCCL notes that the Manager’s House and Washroom are currently served by a single cesspool. The applicant has stated that they will consult with the Department of Health on whether their plan is adequate. OCCL will recommend that the Board make DOH approval a condition of the permit.

Event coordinators will be responsible for bringing all needed event supplies, including tents, chairs, speakers, lights, tikis, etc. One space has been set aside for a 1400 square-foot tent. A secondary site has been identified for larger gatherings and the placement of a 4800 square-foot tent. No tents or structures will be placed within 150 feet of the shoreline. Event coordinators are responsible for removing all structures by 8 am of the morning following an event.

The landowner will provide event coordinators with a list of house rules. These rules are designed in part to mitigate the impacts of increasing the intensity of use on the parcel. The rules, as detailed in the appendix, address parking, tent siting, garbage disposal, noise, and restroom issues. In discussions with the Division of Forestry and Wildlife and with the Office of Environmental Quality Control the applicant agreed to amend the rules to 1) require that all lighting be pointed away from the ocean, and 2) alert the guests to the possible presence of endangered species and the relevant laws regarding taking.

West Maui is currently undergoing rapid and intense development as her agricultural lands are converted to resorts, timeshares, condos, and other developments. The Pioneer Mill grounds are one of the few parcels between Mā'alaea and Lahaina that still preserve elements of Maui's recent past. Although it offers a romantic and sanitized image of colonialism and the plantation era, the Manager's House and surrounding gardens are valuable as one of that era's last physical remnants.

The grounds are also one of the few ocean-front parcels in the area still open to community groups. Many non-profits testified that there were few to no pleasant alternatives in West Maui for them to hold events and fundraisers at. The remaining open space in West Maui is disappearing behind gated communities and private developments designed for the few. OCCL thus feels that the pro-bono and community-oriented events that Olowalu Elua hosts on the Pioneer Mill parcel are an important element of this proposal.

Staff notes that the areas immediately surrounding the site are in the process of being developed for low-density single-family residences, and that there exists a possibility for future conflicts between these different uses stemming from traffic, lighting, noise, etc. Staff will recommend that the Board reserve the right to modify, amend, or eliminate the proposed use should DLNR determine that the uses being conducted are in conflict with other conservation values.

The proposed use preserves both the house and the grounds. Commercial and recreational use of the parcel allows the landowner to maintain the structures in their current state. Staff is of the opinion that this is a sustainable use of the land.

Other than the infrastructure described above, all known historical and archaeological sites are well removed from the project area. The old Sugar Mill Complex is over 250 feet from the events location, and is overgrown with thick brush. Potential archaeological sites on the far side of the parcel are similarly screened by brush and undeveloped land. OCCL staff does not foresee an impact on either. The current proposal does not involve a ground disturbance, so it is unlikely to uncover anything new.

Staff wishes to emphasize that the DLNR typically discourages commercial use of lands in the Conservation District, as these uses may be in conflict with Departmental goals of conservation and preservation of the Hawaiian environment. OCCL staff also recognize, however, that there are situations where environmental and social conditions allow for a compatibility between commerce and conservation when those uses are conducted in a sustainable matter. Staff believes that the Olowalu site has unique qualities due to its history and location that allow us to recommend this proposal.

The factors that allow OCCL to recommend this proposal are:

- The parcel has a history of being used as a commercial operation (*the former plantation*);
- Commercial use will allow for the physical preservation of a historical site (*the manager's house and garden*) as well as for the preservation of open space;

- The proposed use provides a clearly identified service to the community (*event space for non-profit and community groups is increasingly rare in West Maui*); and
- The proposed use is sustainable, and is not projected to have a significant impact on the natural environment or social fabric of the area.

Therefore, staff recommends the following:

RECOMMENDATION:

That the Board of Land and Natural Resources APPROVE CDUA MA-3292 for Olowalu 'Elua's Proposal to Hold Commercial and Non Profit Events such as Weddings, Fundraiser, and Gatherings at the former Pioneer Mill Plantation Manager's House and Garden in the Olowalu Ahupua'a, Lahaina District, Maui County TMK: (2) 4-8-03:5, subject to the following terms and conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, State and county governments, and the applicable parts of Section 13-5-42, HAR;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawai'i Administrative Rules (HAR), Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control," and Chapter 11-54 National Pollutant Discharge Elimination System;
4. The applicant shall seek the approval for their wastewater handling measures from the Department of Health Wastewater Branch, and shall modify their Rules or Facilities accordingly;
5. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
6. The applicant will use Best Management Practices for the proposed project;
7. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
8. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

9. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the applicant shall immediately contact the State Historic Preservation Division;
10. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
11. The applicant will submit an annual report to OCCL outlining the size, distribution, frequency, and type of events held each month;
12. The applicant will seek the approval of OCCL prior to holding any event larger than 200 persons, and will seek OCCL approval should they wish to hold more than 120 events in one year, with the year starting upon issuance of the CDUP;
13. The applicant will amend the House Rules to 1) mandate that all artificial lighting be pointed away from the ocean, and 2) that event coordinators be made aware of the possible presence of endangered and threatened species on the parcel, as well as the relevant Hawai'i laws regarding *take*;
14. The applicant shall ensure that Event Coordinators are familiar with and follow the House Rules;
15. The applicant will contact OCCL for any permitting requirements should there be any significant deviation from the scope of the project as described in the application;
16. The Board reserves the right to modify, curtail, or eliminate the approved uses should DLNR determine that the use is in conflict with other conservation values;
17. Other terms and conditions as may be prescribed by the Chairperson; and
18. That failure to comply with any of these conditions may render this Conservation District Use Permit null and void.

Respectfully Submitted,



Michael Cain
Staff Planner

Approved for Submittal:

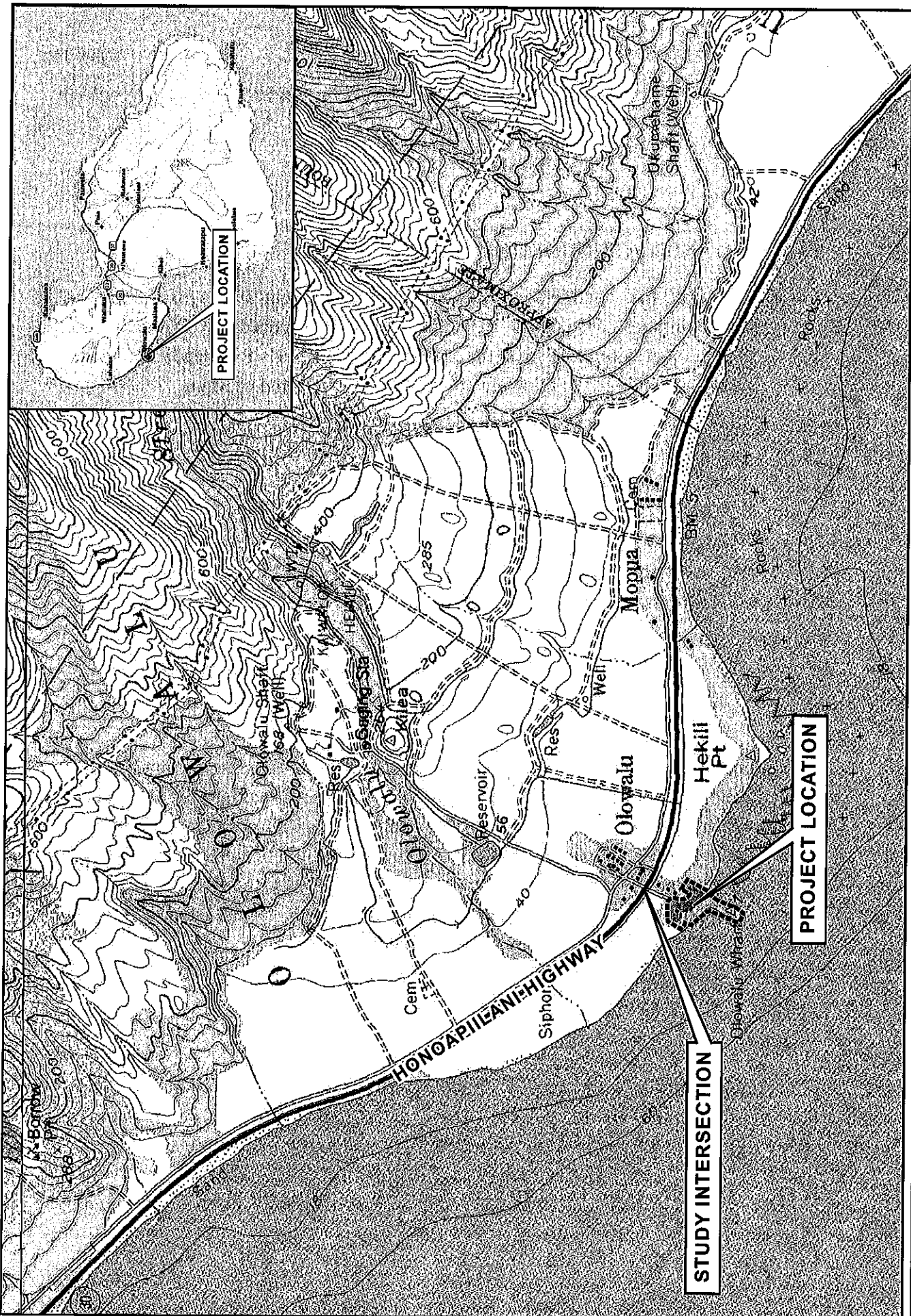


Chairperson
Board of Land and Natural Resources



Conservation District

Subzones	General	Resource	Limited	Protective	Special	Undesignated
	[Horizontal lines]	[Diagonal lines]	[Cross-hatch]	[Vertical lines]	[Horizontal lines with central bar]	[No pattern]



PROJECT LOCATION MAP

Figure 1

Use of Former Pioneer Mill Plantation Manager's Residence Project
 Olowalu Eina Associates, LLC

Source:
 DeLorme 3-D Topo Quads





**Photo No. 5: View looking east along shoreline
towards Olowalu Wharf**



Photo No. 6: Makai view of Olowalu Wharf area

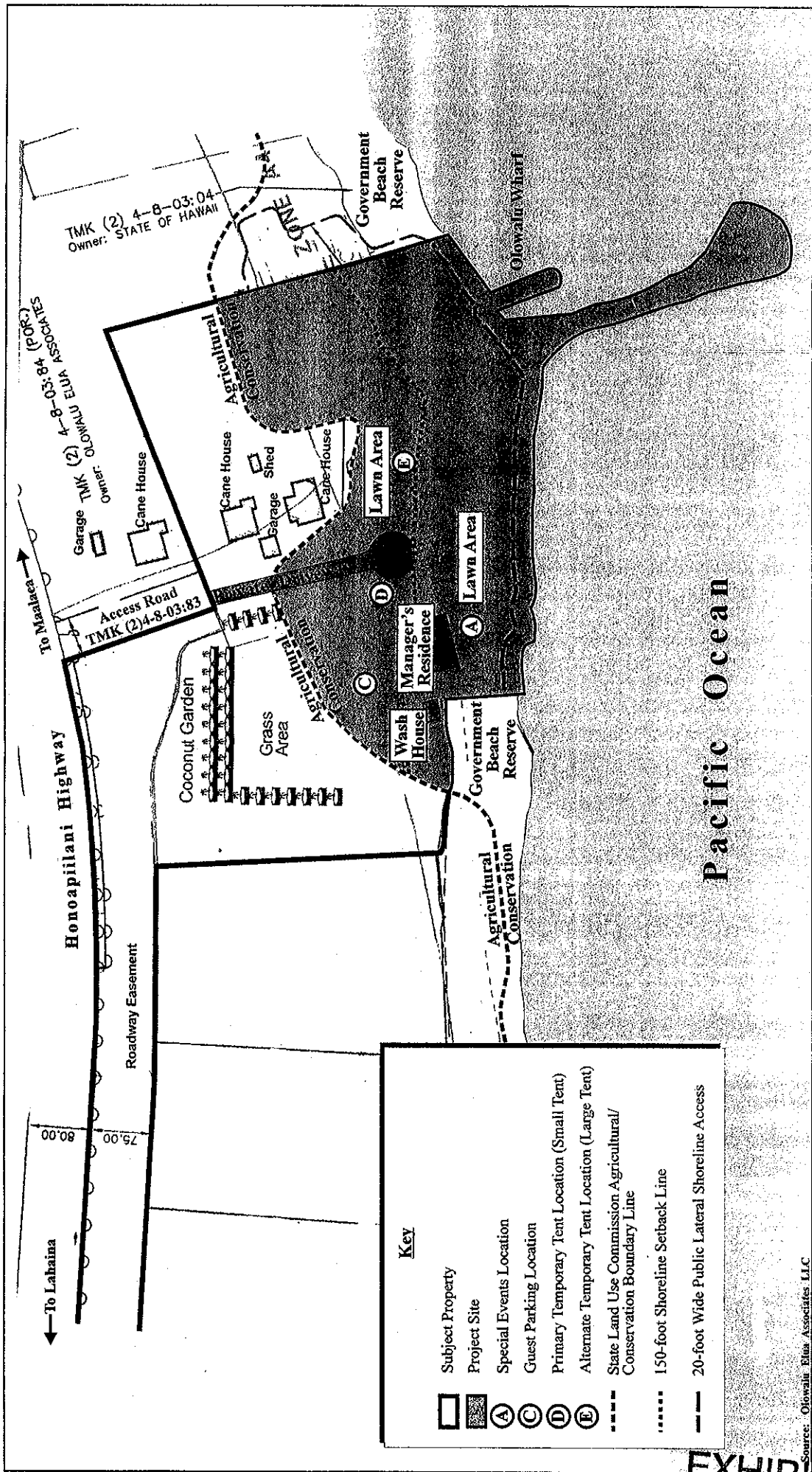


Figure 3

Use of TMK (2)4-8-03:005(por.) for Special Events and Temporary Structures Site Plan

NOT TO SCALE



EXHIBIT 5

Source: Olowalu Elna Associates, LLC

Prepared for: Olowalu Elna Associates, LLC





Photo No. 3: Mauka view of primary temporary tent location between former Pioneer Mill Plantation Manager's Residence and turning area of driveway



Photo No. 4: View looking east of alternate temporary tent location between turning area of driveway and Olowalu Wharf area

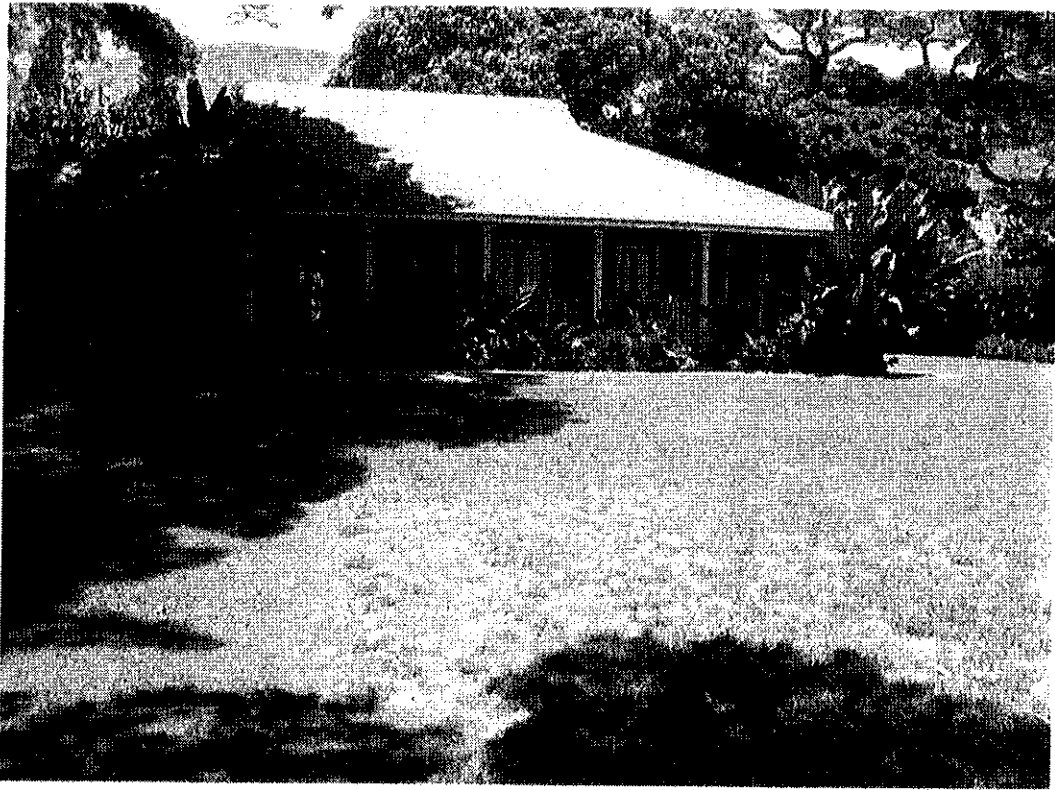


Photo No. 1: Mauka view of special event location in front of former Pioneer Mill Plantation Manager's Residence



Photo No. 2: Mauka view of driveway and turning area looking towards Honoapi'ilani Highway

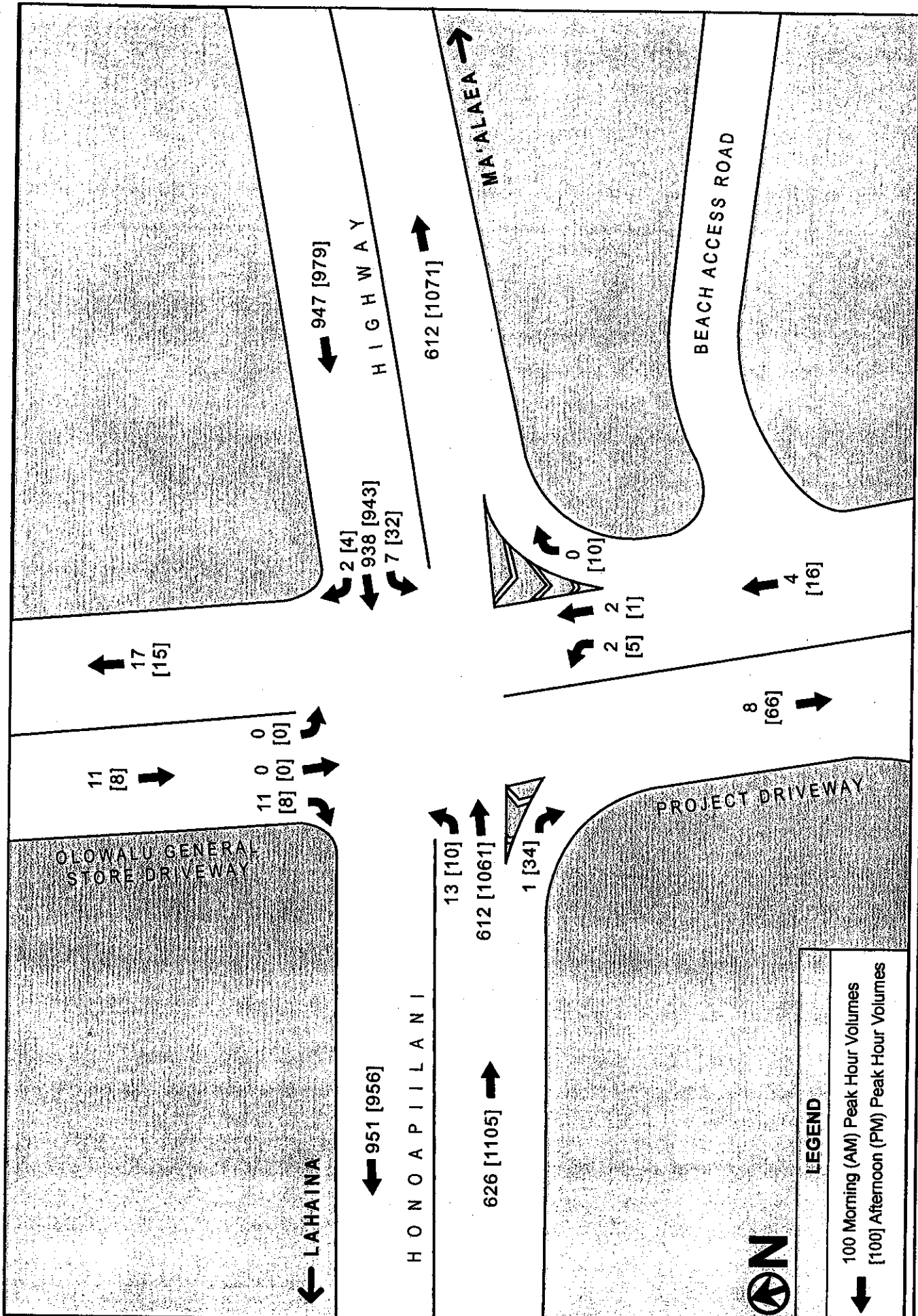


Figure 7

FUTURE 2007 TRAFFIC FORECASTS WITH THE PROJECT

Use of Former Pioneer Mill Plantation Manager's Residence Project
 Olowalu Ehua Associates, LLC

Source:
 SSFM International, Inc.



**HISTORIC OLOWALU PLANTATION HOUSE
HOUSE RULES
(Exhibit "B")**

PROPERTY ORIENTATION:

It's required by planner to contact the caretakers, Doug or Donna, prior to function to familiarize with property. The property requires careful consideration as to tent set-up, parking, lighting, restrooms, landscaping, house use, and security and safety issues.

PARKING:

All guests, coordinators and caterers must park in the designated parking area on the mauka (mountain) side of the Olowalu Plantation House. Coordinators, Caterers and set-up staff may use the circular driveway for temporary loading and unloading. Driving on the lawn is prohibited. Limos and other vehicles disembarking and embarking wedding party members may also use the circular driveway. Events in excess of 75 guests will require parking attendants, unless shuttle buses are provided. Events in excess of 200 people will require shuttle buses.

TENT SITE:

There cannot be any tents set up in the Shoreline set-back area, which runs the length of the shoreline 150' back. Please see attached map designating exactly where tents are required to be erected.

CATERERS:

Caterers must have State Health Certificate and abide by state health laws to use the Olowalu Plantation House. A copy of that license must be submitted to OPH prior to event. Caterers are fully responsible for the clean up of the kitchen and outdoor areas where food will be served. If interior or exterior spaces require additional clean up, it will be back charged to caterer and deducted from security deposit. Caterers should contact the caretakers prior to the event to familiarize themselves with kitchen, appliances, set-up, and delivery instructions. Please **NO dumping of ice** on lawn or in plantings.

GARBAGE:

All garbage must be disposed of in dumpster in parking area. If dumpster becomes full, caterers are required to dispose OFF property. **Functions over 100 people, an additional dumpster is required and the responsibility of caterers.**

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RESTROOMS:

The bathhouse is located on the north side of the house by kitchen. All guests are encouraged to use this facility, as the 80-year-old plumbing in main house is inadequate. The bathhouse has a men and women's room with two stalls in each. They accommodate up to 100 people. **One portable toilet is required per 25 guests over 100.**

SMOKING:

There is a "no smoking" rule for the bathhouse, main house and lanai's. The planner is responsible for removing cigarette butts from the lawn.

PRIVATE SPACES:

The bedrooms and baths in the house are limited to the wedding party. The hall door should remain closed during event. The foyer and great room are the only public spaces. Caterers have access to kitchen and bath off kitchen.

INTERIOR FURNISHINGS:

All furniture and furnishings should remain in place, unless pre-authorized. Any loss or damages to furnishings will be deducted from security deposit.

LANDSCAPING:

Any excessive damage to lawn, landscape plants or irrigation will be charged to planner and deducted from security deposit.

BREAKDOWN:

Planners and/or caterers are required to remove everything they furnished for the event. This includes tables, chairs, linens, landscape lighting, tiki torches, trash, electrical and music related items by 8:00am the following morning. Please note that irrigation will run during the night. To avoid a minimum \$100 back charge for clean-up, planners should return the following morning to inspect grounds for rubbish.

MUSIC:

We are no longer allowing live bands for after dinner music. Approved Disc Jockeys will be allowed.

The noise curfew is 10:00pm. Music and excessive noise must cease at that time or refund of the security deposit will be at risk. Decibel readers must be used by musicians and DJ's and decibels are limited to 85 from 15' directed at speakers. Speakers must be placed on side stage and directed toward the ocean. Please ask your sound technician to call or meet with

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Site Use Contract Terms

OWNERS AGENT:

Doug and Donna Poseley are the caretakers of this property. They reside in the first house on the left as you enter gate, and will be on property for the duration of the function. Should you have any concerns, questions, or emergencies, they can be contacted at 280-3459 or 280-2426.

RESERVATION HOLDS:

A reservation may be held for thirty days. If a contract has not been initiated at that time, the reservation will automatically drop from the calendar.

CONTRACTS:

From the time a contract has been issued, the permittee has 30 days to secure date by returning stated reservation deposit requirements. We accept checks, cash, money orders and travelers' checks, but no credit cards. Please make payable to Olowalu Elua Associates and send to 810 Olowalu Village Road; Lahaina, Hawaii 96761,

PAYMENTS:

Please see deposit requirement on your Site Use Agreement. The deposit and signed copies of the contract, commission agreement and this document should be received in our office within 30 days of receipt. One month prior to the event, all remaining dues payable as well as the refundable security deposit should be received at above address.

INSURANCE REQUIREMENT:

As stated in the contract, OEA requires a one million dollar policy for the day of the event, naming Olowalu Elua Associates LLC as additional insured. You may ask your wedding coordinator or caterer if they supply this in your behalf and indicate the name of this provider in the insurance policy line on the contract. It is the responsibility of the Permittee to obtain this policy and forward to OEA. Events will be cancelled provided this coverage is not in effect.

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Site Use Contract Terms

SECURITY DEPOSITS AND COMMISSIONS:

Refundable security deposits and commissions will be recorded at the end of each month and checks will be issued shortly thereafter.

CANCELLATIONS:

If an event is cancelled outside of 120 days of occasion, the deposit is fully refundable. If inside of 120 days, we will attempt to re-book. If booked at the same rate, the deposit is fully refundable. If new booking is less than original booked rate, the refund is adjusted to loss. Changes in dates after contract is issued do not incur penalties and deposit monies are transferred to new contract.

ACKNOWLEDGEMENT:

We, the undersigned, have read, understand and agree to the terms and conditions of the "House Rules." We agree to abide by owner's restrictions on use of this property.

This is a legal document and should be read carefully before signing.

SIGNATURE _____

DATE _____

Contract Addendum for Large Groups

Parking:

The parking at the Olowalu Plantation House is limited to 100 vehicles. This includes staff and delivery. The drop-off area by the kitchen should be cleared away during events. Events in excess of 75 people require parking attendants and groups in excess of 200 people will require shuttle service.

Toilets:

The county requires one toilet per 25 people. We supply four toilets in our bathhouse. You **MUST** furnish portable toilets to accommodate your guests. They can be set-up on either side of existing bathhouse.

Garbage:

Events over 100 people will need to furnish an additional dumpster or make arrangements with Property Manager for disposal options.

Electric:

Our electrical output is limited. There are several outlets on the exterior lanai walls and kitchen exterior walls. If you have sophisticated equipment, lighting, sound system, etc. you should bring in a generator to insure consistent power.

Event Coordinator:

All events over 50 people require a professional event coordinator for the day. This person will need to meet with the Property Manager to discuss guidelines.

I have read and understand the additional requirements for large groups and will comply with these obligations.

Contract Signature

EXHIBIT 9